

Customer No. 22,852  
Application No.: 10/070,284  
Attorney Docket No. 09812.0438-00000

### REMARKS

By this amendment, Applicant cancels claim 2, without prejudice or disclaimer, and amends claims 1, 3, 8, 9, and 14. Claim 1 has been amended to incorporate limitations of canceled claim 2. Following this amendment, claims 1, 3, 4, 6, 8, 9, 11, 12, and 14 are pending in this application.

In the Office Action<sup>1</sup> ("OA") mailed December 27, 2005, the Examiner (1) objected to the information disclosure statement filed on March 5, 2002; (2) rejected claims 2, 3, 6, 8, 9, 11, 12, and 14 as being indefinite; (3) rejected claims 1, 2, 3, 6, 8, 9, 12, and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,167,383 to Henson ("*Henson*"); (4) rejected claim 4 as being unpatentable over *Henson* in view of U.S. Patent No. 5,974,395 to Bellini et al. ("*Bellini*") under 35 U.S.C. § 103(a); and (5) rejected claim 11 as being unpatentable over *Henson* in view of U.S. Patent No. 6,188,989 to Kennedy ("*Kennedy*") under 35 U.S.C. § 103(a).

In view of the following remarks, Applicant respectfully traverses the rejection of claims 2, 3, 6, 8, 9, 11, 12, and 14 under 35 U.S.C. § 112, rejection of claims 1, 2, 3, 6, 8, 9, 12, and 14 under 35 U.S.C. § 102(e), rejection of claim 4 under 35 U.S.C. § 103(a), and rejection of claim 11 under 35 U.S.C. § 103(a).

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

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### **Objections**

As noted above, the Examiner objected to the IDS filed on March 5, 2002.

Applicant hereby submits English abstracts of references AC, AC, AE, and AF as attachments to this Amendment. With regard to the Examiner's objection to reference AO, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 609.04(a)(III), which states that

[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

Applicant respectfully notes that an English-language version of the Search Report for the corresponding PCT application was submitted with the IDS. Therefore, Applicant has satisfied the requirement for a concise explanation of relevance of reference AO. Accordingly, Applicant requests that the objection to the IDS be withdrawn.

### **§ 112, second paragraph Rejections**

As noted above, the Examiner rejected claims 2, 3, 6, 8, 9, 11, 12, and 14 under 35 U.S.C. § 112, second paragraph, as being indefinite. By this Amendment, Applicant cancels claim 2 and amends claims 1, 3, 8, 9, and 14 to render overcome the rejection. Moreover, with regard to the phrase "related commodity information," Applicant directs the Examiner's attention to page 57, lines 4-13 of the specification. With regard to the

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terms "booked" and "unbooked," Applicant generally agrees with the Examiner's definition. Accordingly, Applicant requests that the rejection of claims 3, 6, 8, 9, 11, 12, and 14 under 35 U.S.C. § 112, second paragraph be withdrawn and the claims allowed.

### **§ 102(a) Rejections**

Applicant respectfully traverses the rejections of claims 1, 2, 3, 6, 8, 9, 12, and 14 under 35 U.S.C. § 102(e). In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. § 2131 (8<sup>th</sup> Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (8<sup>th</sup> ed., 2001), p. 2100-69.

Applicant respectfully submits that *Henson* does not disclose or suggest the claimed combination of amended claim 1. For example, *Henson* does not disclose or suggest "candidate determining means for determining an order candidate including a list of one or more related commodities determined to be connectable to the commodity based on related commodity information associated with the commodity" and "related commodity information transmission means for transmitting the order candidate over said network," wherein "the order information acquisition means acquires the order information over the network following transmission of the order candidate by the related commodity information transmission means," as recited in amended claim 1.

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*Henson* discloses a system for providing customer configured machines at an Internet site (*Henson* title; Fig. 3A). *Henson* discloses a configurator that "provides for configuring a computer system with options selected according to a prescribed user input" (*Henson* abstract). The configurator includes a "validation (or compatibility) warning module" (*Henson* col. 5, ll. 1-2), which provides the customer with a validation message when the options selected for a particular system are not correct (*Henson* col. 7, ll. 57-61). In other words, the validation module informs the customer when one or more options are not compatible (*Henson* col. 7, ll. 64-66). However, neither these portions of *Henson*, nor any other portions constitute "candidate determining means for determining an order candidate including a list of one or more related commodities determined to be connectable to the commodity based on related commodity information associated with the commodity" and "related commodity information transmission means for transmitting the order candidate over said network," wherein "the order information acquisition means acquires the order information over the network following transmission of the order candidate by the related commodity information transmission means," (emphasis added), as recited in claim 1.

For at least the foregoing reasons, Applicant submits that claim 1 is not anticipated by *Henson*. Dependent claims 3, 6, 8, 9, 12, and 14 are allowable not only for the reasons stated above with regard to base claim 1, but also for their own additional features that distinguish them from *Henson*. Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 102(e) and the timely allowance of claims 1, 3, 6, 8, 9, 12, and 14.

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**§ 103(a) Rejections**

**1. Rejection of Claim 4**

Regarding the Examiner's rejection of claim 4, Applicant respectfully submits that *Henson* in view of *Bellini* does not disclose or suggest the claimed combination of elements as recited in base claims 1. For example, *Henson* and *Bellini*, either taken alone or in combination, do not teach or suggest that "candidate determining means for determining an order candidate including a list of one or more related commodities determined to be connectable to the commodity based on related commodity information associated with the commodity" and "related commodity information transmission means for transmitting the order candidate over said network," wherein "the order information acquisition means acquires the order information over the network following transmission of the order candidate by the related commodity information transmission means," as recited in base claim 1.

As discussed above, *Henson* at least does not disclose any apparatus having all the recited elements as recited in claim 1. *Bellini* is not sufficient to overcome the deficiencies of *Henson*. The Examiner alleged that *Bellini* discloses "a commodity selling apparatus" (OA at page 10, ll. 1-7). However, *Bellini* does not describe any apparatus having all the recited elements including "candidate determining means for determining an order candidate including a list of one or more related commodities determined to be connectable to the commodity based on related commodity information associated with the commodity" and "related commodity information transmission means for transmitting the order candidate over said network," wherein "the order information acquisition means acquires the order information over the

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network following transmission of the order candidate by the related commodity information transmission means," as recited in base claim 1. Therefore, *Henson* in view of *Bellini* fails to teach the aforementioned recitation of claim 4.

For at least these reasons, a prima facie case of obviousness has not been established with respect to claim 4. Accordingly, Applicant respectfully requests withdrawal of this rejection of claim 4.

## 2. Rejection of Claim 11

Regarding the Examiner's rejection of claim 11, Applicant respectfully submits that *Henson* in view of *Kennedy* does not disclose or suggest the claimed combination of elements as recited in base claims 1. For example, *Henson* and *Kennedy*, either taken alone or in combination, do not teach or suggest that "candidate determining means for determining an order candidate including a list of one or more related commodities determined to be connectable to the commodity based on related commodity information associated with the commodity" and "related commodity information transmission means for transmitting the order candidate over said network," wherein "the order information acquisition means acquires the order information over the network following transmission of the order candidate by the related commodity information transmission means," as recited in base claim 1.

As discussed above, *Henson* at least does not disclose any apparatus having all the recited elements as recited in claim 1. *Kennedy* is not sufficient to overcome the deficiencies of *Henson*. The Examiner alleged that *Kennedy* discloses "a commodity selling apparatus" (OA at page 12, ll. 9-20). However, *Kennedy* does not describe any apparatus having all the recited elements including "candidate determining means for

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determining an order candidate including a list of one or more related commodities determined to be connectable to the commodity based on related commodity information associated with the commodity" and "related commodity information transmission means for transmitting the order candidate over said network," wherein "the order information acquisition means acquires the order information over the network following transmission of the order candidate by the related commodity information transmission means," as recited in base claim 1. Therefore, *Henson* in view of *Bellini* fails to teach the aforementioned recitation of claim 11.

For at least these reasons, a prima facie case of obviousness has not been established with respect to claim 11. Accordingly, Applicant respectfully requests withdrawal of this rejection of claim 11.

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**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 30, 2006

By: 

Joshua Liu  
Reg. No. 55,391

**Attachments:** English Abstracts of References AC, AD, AE, and AF



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AC

## PATENT ABSTRACTS OF JAPAN

(11)Publication number : 11-096240

(43)Date of publication of application : 09.04.1999

(51)Int.Cl. G06F 17/60

G07G 1/12

G07G 1/14

(21)Application number : 09-259516

(71)Applicant : HITACHI LTD

(22)Date of filing : 25.09.1997

(72)Inventor : YAMADA ISAO

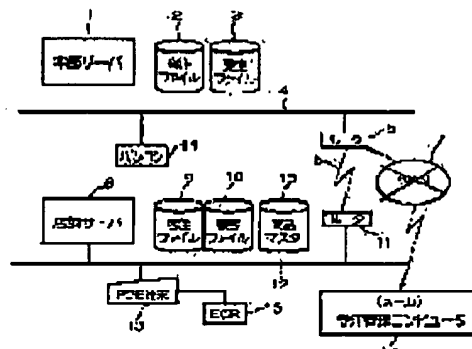
## (54) METHOD FOR ORDERING MERCHANDISE

## (57)Abstract:

**PROBLEM TO BE SOLVED:** To efficiently realize a sales form by direct merchandise transportation from a customer to a maker.

**SOLUTION:** A store server 8 for managing a store provided with a POS(point of sales) terminal 13, a headquarter server 1 for managing the ordering of a headquarter and a maker side order reception managing computer 17 are connected by communication networks 6 and 7 by on-line, a customer order file 9 storing merchandise information or information such as a delivery date, a delivery destination such as a customer address, etc., or the like, are automatically generated by an information input from the POS terminal 13 or the like, at the time of receiving the order of a maker direct

delivery article to be directly transported from the maker to the customer, it is transferred to the customer order file 2 of the headquarter server 1, the headquarter server 1 generates an ordering file 3 in a form by which a normal stock replenishing merchandise is discriminated from the maker direct delivery article from the customer order file 2 so as to be transferred to the order reception managing computer 17 of the maker and the order reception managing computer 17 directly deliver the maker direct delivery article to the customer by discriminating it from the stock replenishing merchandise.



## LEGAL STATUS

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AD

## PATENT ABSTRACTS OF JAPAN

(11)Publication number : 11-353391

(43)Date of publication of application : 24.12.1999

(51)Int.Cl.

G06F 19/00

(21)Application number : 10-159306

(71)Applicant : HITACHI LTD

(22)Date of filing : 08.06.1998

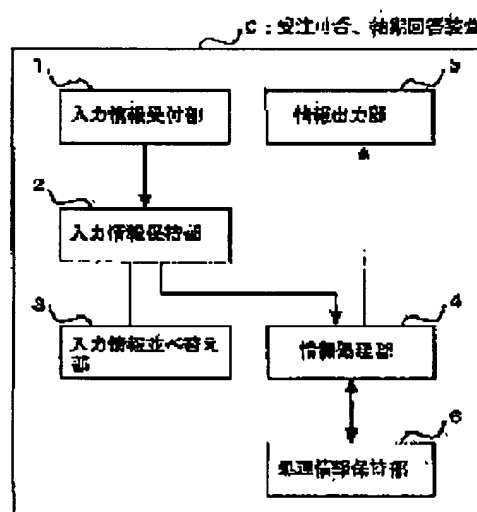
(72)Inventor : TATEISHI ATSUSHI  
ENOMOTO MITSUHIRO

## (54) ORDER ACCEPTANCE ANSWERING DEVICE

## (57)Abstract:

PROBLEM TO BE SOLVED: To reduce the correction frequency of an answer for the acceptance of an order corresponding to a conditional change.

SOLUTION: An input information rearranging part 3 rearranges respective input information stored in an input information storing part 2, input information indicating the increment of order acceptable capacity, input information indicating the reduction of order acceptable capacity, and input information indicating order in this order. A information processing means 4 successively fetches these rearranged input information, and when a past answer for the acceptance of an order is required to be corrected in accordance with a conditional change indicated by the entered input information, the answer is corrected. For the input information indicating an order, whether the order can be accepted or not is judged and answered. Provided that when a conditional change is the increment of order acceptable capacity, the past answer for the acceptance of the order is not corrected.



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A/E

## PATENT ABSTRACTS OF JAPAN

(11)Publication number : 2000-099577

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(21)Application number : 11-184178

(71)Applicant : DELL USA LP

(22)Date of filing : 29.06.1999

(72)Inventor : HENSON KEN

(30)Priority

Priority number : 98 158564

Priority date : 22.09.1998

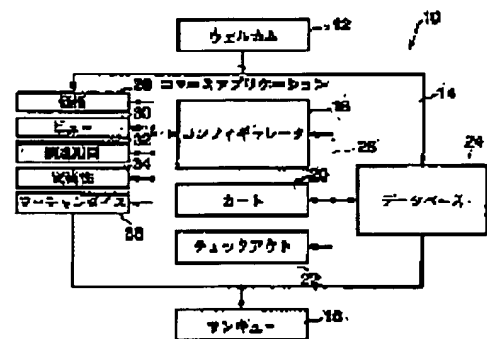
Priority country : US

(54) METHOD AND DEVICE FOR PROVIDING CUSTOMER CONFIGURATION MACHINE TO INTERNET SITE

(57)Abstract:

**PROBLEM TO BE SOLVED:** To provide an on-line store of a web base provided with a user interface, by which the custom configuration of a computer system is possible in accordance with the identification of a user pertaining a previously fixed customer set.

**SOLUTION:** The on-line store 10 is provided with a configurator 18 where options and respective prices against them are displayed in a configurator web page in accordance with the recognition of the user and which constitutes the computer system provided with the option selected by a user input, a cart 20 which includes a cart web page and temporarily stores the customer configuration computer system, checking-out 22 which includes a check-out web page, displays a payment option and obtains payment and delivery information and a database 24 for dynamically supplying a configuration option to the configurator in accordance with the identification of the user.



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AP

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(43)Date of publication of application : 28.01.2000

(51)Int.Cl.

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(21)Application number : 10-192904

(71)Applicant : NEC CORP

(22)Date of filing : 08.07.1998

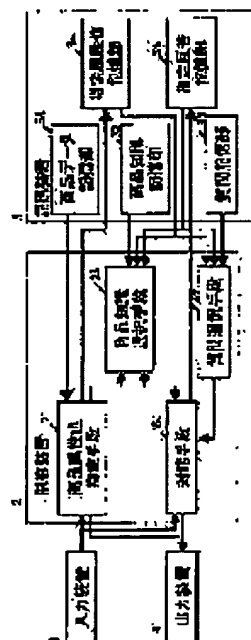
(72)Inventor : SAKAGUCHI MOTOHIKO  
SUGIURA ATSUSHI

(54) MERCHANDISE SALES SUPPORT DEVICE AND COMPUTER READABLE RECORDING MEDIUM FOR RECORDING PROGRAM FOR REALIZING THE SAME DEVICE BY COMPUTER

(57)Abstract:

PROBLEM TO BE SOLVED: To effectively support merchandise sales to customers widely ranging from a customer having a clear request for merchandise to a customer without any knowledge.

SOLUTION: A merchandise attribute designating means 21 receives the merchandise attribute of desired merchandise directly designated by a customer, and stores it in a designated attribute storing part 34, and a merchandise knowledge selecting means 23 receives merchandise knowledge related with the designated merchandise attribute. An interacting means 22 presents a question to be presented to a customer selected by a question selecting means 24 and the candidates of an answer to the customer and stores an answer obtained from the customer in a designated answer storing part 35. Moreover, the interacting means 22 transmits the answer to the merchandise knowledge selecting means 23, and receives the merchandise knowledge related with the answer from the merchandise knowledge selecting means 23, and presents it to the customer, and requests a question to be presented the next to the question selecting means 24.



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